

ORDER

Bangalore, dated 30th October 1974.

S O 2599.— WHEREAS by State Government Order No. SWL 107 LLD 71, dated 8th June 1973, the Industrial Dispute between the workmen and the management of Hotel Anand Vihar, Krishna Rajendra Road, Bangalore-2A, was referred to the Labour Court, Bangalore for adjudication.

AND, WHEREAS the Labour Court, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette*.

[No. SWL 211 LLA 74.]

By Order and in the name of the Governor of Karnataka.

K. MYLARAPPA,

*Under Secretary to Government,
Social Welfare and Labour Department.*

GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR DEPARTMENT

Labour Dispute:—Industrial Dispute between the Workmen and the Management of Group Seva Sahakari Sangha Niyamit, Kalkari Sindagi Taluk, Bijapur District.

Award of the Presiding Officer, Labour Court, Hubli. published.

Read the following papers.

(1) Letter No. LCH/1449/74-75 dated 18/19th October 1974 from Sri H. L. Narayana Gowda, Presiding Officer, Labour Court, Hubli.

BEFORE THE LABOUR COURT AT HUBLI

Reference ID (LCH) Claim No. 15/1974

Present

Sri H. L. Narayanagowda, B.A LLB.

Presiding Officer.

Dated the 18th October, 1974.

Claimant:—Sri Sharanappa Basappa Shahapur, Ex-Secretary, Kalakeri, Taluk, Sindagi, Dist. Bijapur.

and

Respondent:—The Management of Group Seva Sahakari Sangh Niyamit, Kalkeri, Taluk Sindagi, Dist. Bijapur.

Order No. SWL 1480 LLD 73 dated 14th February 1974

JUDGEMENT & AWARD

The Government of Karnataka have referred this dispute between the Management of Group Seva Sahakari Sangh Niyamit, Kalkeri, Tal. Sindagi and its Ex-Secretary

Sri S. B. Shahapur, to this Court for adjudication under clause (c) of sub-section (1) of section 10 of the I. D. Act 1947. The points of dispute are:—

“I. Is the Management of the Group Seva Sahakari Sangh Niyamit, Kalekari, Taluk Sindagi Dist. Bijapur justified in terminating the services of Sri Sharanappa Basappa Shahapur, Ex Secretary, with effect from 3rd October 1972?

II. If not, is the said workman entitled for reinstatement with back wages and continuity of services and other consequential benefits?

2. The claimant in his claim statement states as follows:—

The claimant was appointed in the Sangha as clerk on 1st March 1969 and he worked in the said post efficiently and honestly upto 30th April 1971. Hence the Management appointed him as Secretary of the Sangha on 1st May 1971 and he was drawing his salary at the rate of Rs. 140 p.m. On 3rd October 1972 the Managing Committee was constituted for the year 1972-73 along with Sri Hajisahab M. Husen Inamdar and he forced the claimant to write the resolution that one Sri Iktbal M. Husen Inamdar was appointed as Secretary and driven him out of the Sangha. Immediately the claimant approached the Assistant Registrar of Co-op Societies, Bijapur. But he has not received any reply from the said Officer. Then the claimant approached the Labour Officer, and Conciliation Officer, Belgaum to redress his grievances. But due to the arrogant attitude of the Management in the conciliation, the Conciliation meeting ended in failure. The Sangha Without Charge-sheet, explanation and Domestic enquiry and also not following the procedure as laid down under the C. S. Act 1959 or under the I. D. Act 1947, abruptly terminated the services of the claimant from 3rd October 1972. This action of the Management is illegal, unjust and against the rules of Natural Justice. He prays that he may be reinstated in service with full back wages and continuity of service.

3. The Respondent in its written statement pleads as follows :—

It is true that the claimant was working as clerk in the Respondent Sangha till 30th April 1971. It is true that his pay was Rs. 110/- It is true that subsequently he was appointed as Secretary. It is also true that by resolution dated 7th October 1971 the Managing Committee continued the services of the claimant. But subsequently the claimant became negligent and was dishonest so his services were terminated and one Sri Ikbai Inamdar was appointed as Secretary. The services of the claimant were terminated on the following grounds :—

- (1) The claimant entered in the society's account that one Sri Madivalappa Veerappa Zhalaki had purchased one share of Rs. 100/- The receipt issued by Sri Zhalaki was not taken to the file.
- (2) Because of the claimant, loan of Rs. 1000/- was sanctioned to Sri Gurappa Zhalaki and Rs. 550/- was sanctioned to Sri Mallikarjun Hiremath without proper security, and he caused loss to the Sangha. Therefore his services have been terminated.

The appointment of the claimant as Secretary was not approved by the Registrar and therefore the termination of the claimant is legal and proper.

4. In support of its case, the Respondent Sangh has not examined any witnesses. It has remained absent and it is placed *ex parte*. The claimant has examined himself as WW-1 and closed. No documentary evidence is adduced on his behalf.

5. I have perused the records and heard Sri P. G. Wadikar, learned representative for the claimant.

6. The claimantes, WW-1 has stated that he was appointed as clerk in the Respondent society on 1st March

1969. On 1st May 1971 he was appointed as Secretary. Because he was efficient, he was promoted as Secretary. When he was Secretary, he was getting a salary of Rs. 140/- on 7th October 1971 the Respondent society passed a resolution appointing him as Secretary for 5 years. That resolution is No. 3. The copy of the resolution appointing him as Secretary was sent to the Asst. Registrar of Co-Op. Societies. On 3rd October 1972 his services were terminated without any valid reason. He was forcibly sent out of office with regard to payment of Share amount of one Sri Madivalappa Jalaki, he paid that amount to the party and took voucher. He kept the voucher in the voucher book. He has not paid Rs. 1000/- to one Gurappa Jhakali and Rs. 550/- to Mallikarjuna Hiremath. The committee sanctioned the said loans. When he was dismissed these charges were not brought to his notice. There was no charge sheet. His explanation was not taken. There was no enquiry. His services were terminated abruptly. He prays that he may be reinstated with back wages and continuity of service.

7. WW-1 is not cross examined. The Respondent Sangh has remained *ex parte*. The claimant as WW-1 swears that there was no charge sheet against him, his explanation was not taken and there was no domestic enquiry. As there has been no domestic enquiry, and the Respondent society has not dismissed the claimant after holding an enquiry.

The claimant is entitled to succeed, but he is not entitled to back wages, as he has not worked.

AWARD

8. In the result, I order that the claimant should be reinstated in service. No. back wages are awarded. Continuity of service is allowed. No costs.

(Dictated to the Stenographer, transcribed and typed by him, corrected by me and then pronounced in the open Court)

HUBLI
18th October 1974

H. L. Narayana Gowda,
Presiding Officer,
Labour Court, Hubli.